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Attorneys for U.S. Bank Home Mortgage

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

CHRISTOPHER EMANUEL CARDY,

Debtor.

Case No. 09-35412-elp13

Chapter 13

**MOTION FOR EX PARTE ORDER
RESTRICTING PUBLIC ACCESS TO
U.S. BANK HOME MORTGAGE'S
AFFIDAVIT OF NATIONAL DEFAULT
SERVICING CORPORATION,
AUTHORIZED SERVICING AGENT
FOR US BANK NATIONAL
ASSOCIATION (DOCKET NO. 47),**

U.S. Bank Home Mortgage, hereinafter referenced to as Movant, move this Court for an Ex Parte Order Restricting Public Access pursuant to 11 U.S.C. § 107 (c) to the following AFFIDAVIT OF NATIONAL DEFAULT SERVICING CORPORATION, AUTHORIZED SERVICING AGENT FOR US BANK NATIONAL ASSOCIATION filed in this case.

Movant: U.S. Bank Home Mortgage

Doc. No.: 47

Date Filed: April 27, 2010

FACTUAL BACKGROUND

1. Movant takes very seriously the need to protect its customers' confidential customer information ("CCI") and its obligations under Bankruptcy Rule 9037. Movant's good faith belief was that it had redacted the CCI in compliance with Bankruptcy Rule 9037 prior to filing AFFIDAVIT OF NATIONAL DEFAULT SERVICING CORPORATION,

1 AUTHORIZED SERVICING AGENT FOR US BANK NATIONAL ASSOCIATION (Docket
2 No. 47) in the above-captioned case (the "Designated Filing").

3 2. Movant, however, has recently uncovered certain imperfectly-redacted CCI in the
4 Designated Filing and therefore files this Motion to remediate the filing.

5 3. Movant originally filed the Designated Filing on April 27, 2010.

6 **RELIEF REQUESTED**

7 4. Movant requests entry of an order: (i) directing the Clerk of the Court to
8 permanently restrict remote electronic access to the Designated Filing and (ii) authorizing
9 Movant to file a redacted version of the Designated Filing that corrects any imperfectly redacted
10 PII (the "Replacement Filing"). The Replacement Filing is identical to the Designated Filing in
11 all respects except for the removal of any imperfectly redacted PII. A copy of the Replacement
12 Filing is attached hereto as Exhibit A.

13 5. **WHEREFORE**, Movant respectfully requests that the Court enter an order: (i)
14 directing the Clerk of the Court to permanently restrict remote electronic access to the
15 Designated Filing; (ii) authorizing Movant to file the Replacement Filing, and (iii) granting such
16 other and further relief as the Court deems appropriate.

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18 Dated: August 14, 2015

Respectfully submitted,

19 ALDRIDGE PITE, LLP

20 /s/ Jesse A. P. Baker (OSB 100017)

21 Attorneys for U.S. Bank Home Mortgage

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6 IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

7 CHRISTOPHER EMANUEL CARDY,) Case No. 09-35412-rld13
8)
9 Debtor.) AFFIDAVIT OF NATIONAL
10) DEFAULT SERVICING
CORPORATION, AUTHORIZED
11) SERVICING AGENT FOR US BANK
NATIONAL ASSOCIATION

12 STATE OF ARIZONA)
13)
COUNTY OF MARICOPA)

14
15 Olivia Todd, being first duly sworn on oath, deposes and says:

16 I am a President for the National Default Servicing Corporation, authorized
17 servicing agent for US Bank National Association. I make this affidavit on the basis of my
18 review of the files and records maintained with respect to the account at issue by US Bank
19 National Association. All such records were made at or near the time of the events
20 recorded and were kept in the ordinary course of business of US Bank National
21 Association. I am a custodian of the records and can attest as to their authenticity and their
22 mode of preparation.

23 US Bank National Association is servicing a loan secured by a deed of trust against
24 real property owned by the Debtor. The deed of trust is held by US Bank National

25 AFFIDAVIT OF NATIONAL DEFAULT SERVICING BISHOP, WHITE & MARSHALL, P.S.
CORPORATION - 1 720 OLIVE WAY, SUITE 1301

SEATTLE, WASHINGTON 98101-1801

206/622-5306 FAX: 206/622-0354

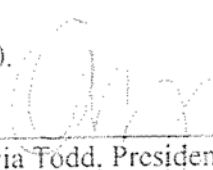
1 Association, a secured creditor in these proceedings. Attached hereto as Exhibit A is a true
2 and correct copy of the post-petition payment history with respect to the account at issue,
3 which is the subject of the motion for relief from stay. As more particularly shown in the
4 payment history, the Debtor has made the following post-petition payments:

<u>Payment Made</u>	<u>Payment Due</u>
September 3, 2009	August 1, 2009
October 15, 2009	September 1, 2009
November 12, 2009	October 1, 2009
January 12, 2010	November 1, 2009
February 16, 2010	December 1, 2009
March 15, 2010	January 1, 2010
April 14, 2010	February 1, 2010

11 The account is past due for the months of March and April 2010. There was a
12 payment change in March 2010. The payment due for February 2010 is \$1,298.84. A
13 payment of \$1,400.00 was received on April 14, 2010 and was applied as the February
14 2010 payment with \$52.41 applied to the February 2010 late charges and \$48.75 to the
15 suspense account.

16 The payments due for the months of March and April are \$1,309.89 each. In
17 addition, there are two late charges of \$52.41 each for the months of March and April.
18 Post-petition property inspection fees of \$120 and post-petition attorney's fees and costs of
19 \$550 for the motion for relief from stay have also been incurred, together with a filing fee.
20 The suspense balance is \$304.46.

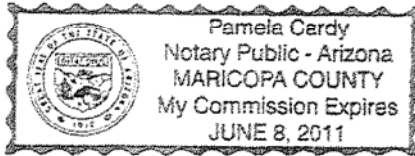
21 Dated this 23RD day of April, 2010.

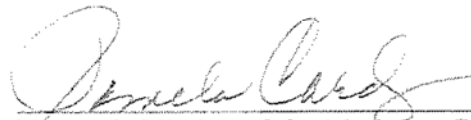
22 
Olivia Todd, President of NDSC

23 Subscribed and sworn to before me this 23RD day of April, 2010.
24

25 AFFIDAVIT OF NATIONAL DEFAULT SERVICING
CORPORATION - 2

BISHOP, WHITE & MARSHALL, P.S.
720 OLIVE WAY, SUITE 1301
SEATTLE, WASHINGTON 98101-1801
206/622-5306 FAX 206/622-0354




Notary Public in and for Maricopa County
The State of ARIZONA
Printed Name: PAMELA CARDY
My Commission Expires: JUNE 8, 2011

AFFIDAVIT OF NATIONAL DEFAULT SERVICING
CORPORATION - 3

BISHOP, WHITE & MARSHALL, P.S.
720 OLIVE WAY, SUITE 1301
SEATTLE, WASHINGTON 98101-1801
206/622-5506 FAX 206/622-0354

BNKH [REDACTED] YY BANKRUPTCY HIST CH 13 J 04/21/10 14:11:44

CE CARDY DUE 02/01/10 PMT 1,298.84 TYPE CONV. RES

35 NE HOLMAN ST PORTLAND OR 97211

-----* PF8 FOR MORE HIST *-----PRO EP1 -----

ACT	DATE	AMOUNT	DUE DATE	
	04/20/10			MOTION FOR RELIEF HEARING
	04/15/10	99.00	03/01/10	TO TRUSTEE SUSPE/033110/000000000235018
	04/15/10	52.41		TO LC (2/10) *
	04/15/10			EFF DATE 04/15/10
	04/15/10	1351.25	02/01/10	1 POST-PETITION PMTS FROM SUSPENSE
	04/14/10	1400.00		TO DEBTOR SUSPENSE +
	03/30/10			MOTION FOR RELIEF FILED
	03/16/10	52.41		PD TO LC (01/10) *
	03/16/10			EFF DATE 03/15/10
	03/16/10	1351.25	01/01/10	1 POST-PETITION PMTS FROM SUSPENSE
	03/15/10	1400.00		TO DEBTOR SUSPENSE +
	03/11/10			MOTION FOR RELIEF REQUESTED
	03/08/10	99.00	02/01/10	TO TRUSTEE SUSPE/022610/000000000233312
	02/25/10			EFF DATE 02/16/10
	02/25/10	1298.84	12/01/09	1 POST-PETITION PMTS FROM SUSPENSE
	02/16/10	1400.00		TO DEBTOR SUSPENSE +

BNKH [REDACTED] YY BANKRUPTCY HIST CH 13 04/12/10 14:03:39
CE CARDY DUE 01/01/10 PMT 1,298.84 TYPE CONV. RES
35 NE HOLMAN ST PORTLAND OR 97211

-----* PF8 FOR MORE HIST *-----PRO EP1 -----

ACT	DATE	AMOUNT	DUE DATE	
	03/30/10			MOTION FOR RELIEF FILED
	03/16/10	52.41		PD TO LC (01/10) *
	03/16/10			EFF DATE 03/15/10
	03/16/10	1351.25	01/01/10	1 POST-PETITION PMTS FROM SUSPENSE
	03/15/10	1400.00		TO DEBTOR SUSPENSE +
	03/11/10			MOTION FOR RELIEF REQUESTED
	03/08/10	99.00	02/01/10	TO TRUSTEE SUSPE/022610/000000000233312
	02/25/10			EFF DATE 02/16/10
	02/25/10	1298.84	12/01/09	1 POST-PETITION PMTS FROM SUSPENSE
	02/16/10	1400.00		TO DEBTOR SUSPENSE +
	02/10/10	99.00	01/01/10	TO TRUSTEE SUSPE/012910/000000000231624
	01/27/10			EFF DATE 01/12/10
	01/27/10	1298.84	11/01/09	1 POST-PETITION PMTS FROM SUSPENSE
	01/27/10			10 CONSENT ORDER/APO/STIP
	01/27/10			10 CONSENT ORDER/APO/STIP
	01/12/10	1400.00		TO DEBTOR SUSPENSE +

BNKH [REDACTED] YY BANKRUPTCY HIST CH 13 / 04/12/10 14:03:39
CE CARDY DUE 01/01/10 PMT 1,298.84 TYPE CONV. RES
35 NE HOLMAN ST PORTLAND OR 97211

-----* PF8 FOR MORE HIST *-----PRO EP1 -----

ACT	DATE	AMOUNT	DUE DATE	
	01/07/10	495.00	12/01/09	TO TRUSTEE SUSPE/123109/000000000229973
	12/28/09			BNK ADDED CHAP 13 PROC EP1
	11/27/09			REMOVE -
	11/27/09		01 11/04/09	MOTION FOR RELIEF GRANTED
	11/27/09			TR SUSP BAL (0) AT CLOSING *
	11/27/09			DT SUSP BAL (3.48) AT CLOSING *
	11/25/09			*TR SUSP BAL -0-* *
	11/25/09			*DT SUSP BAL AT CLOSING \$3.48* *
	11/25/09			EFF DATE 11/12/09
	11/25/09	1298.84	10/01/09	1 POST-PETITION PMTS FROM SUSPENSE
	11/12/09	1300.00		TO DEBTOR SUSPENSE +
	11/04/09			MOTION FOR RELIEF GRANTED
	11/03/09			EFF DATE 10/15/09
	11/03/09	1298.84	09/01/09	1 POST-PETITION PMTS FROM SUSPENSE
	10/15/09	1300.00		TO DEBTOR SUSPENSE +
	10/14/09			MOTION FOR RELIEF FILED

BNKH [REDACTED] _____ IY BANKRUPTCY HIST CH 13 ' 04/12/10 14:03:39
CE CARDY DUE 01/01/10 PMT 1,298.84 TYPE CONV. RES
35 NE HOLMAN ST PORTLAND OR 97211

-----PRO EP1 -----

ACT	DATE	AMOUNT	DUE DATE	
	09/15/09			EFF DATE 09/03/09
	09/15/09	1298.84	08/01/09	1 POST-PETITION PMTS FROM SUSPENSE
	09/10/09			PROC CHANGE TO EP1
	09/03/09	1300.00		TO DEBTOR SUSPENSE +
	08/21/09			PROC CHANGE TO EZC
	08/20/09			SUSPENSE BAL -0- AT SETUP *
	08/20/09			BNK ADDED CHAP 13 PROC BAK

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In re

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Debtor.

Case No. 09-35412-elp13

Chapter 13

PROOF OF SERVICE BY MAIL

I, Chansamone Kwan, declare that:

I am employed in the County of San Diego, California. My business address is:
4375 Jutland Drive, Suite 200, P.O. Box 17935, San Diego, CA 92177-0935. I am over the age
of eighteen years and not a party to this cause.

On August 14, 2015, I served the MOTION FOR EX PARTE ORDER
RESTRICTING PUBLIC ACCESS TO U.S. BANK HOME MORTGAGE'S AFFIDAVIT OF
NATIONAL DEFAULT SERVICING CORPORATION, AUTHORIZED SERVICING
AGENT FOR US BANK NATIONAL ASSOCIATION (DOCKET NO. 47), in said cause by
placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully
prepaid in the United States Mail at San Diego, California, addressed as follows: SEE
ATTACHED SERVICE LIST.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 14, 2015

/s/ Chansamone Kwan
CHANSAMONE KWAN

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SERVICE LIST

DEBTOR

Christopher Emanuel Cardy
35 NE Holman
Portland, OR 97211

DEBTOR'S ATTORNEY
(Via Electronic Notice)

NICHOLAS J HENDERSON
117 SW Taylor St #200
Portland, OR 97204

CHAPTER 13 TRUSTEE
(Via Electronic Notice)

Wayne Godare
222 SW Columbia St #1700
Portland, OR 97201

U.S. TRUSTEE
(Via Electronic Notice)

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Eugene, OR 97401-2706
USTPRegion18.EG.ECF@usdoj.gov